

# **EXHIBIT 3**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION      MDL No. 2804  
OPIATE LITIGATION                      Case No. 17-md-2804

This document relates to:              Judge Dan  
   Aaron Polster

The County of Cuyahoga v. Purdue  
Pharma, L.P., et al.  
Case No. 17-OP-45005

City of Cleveland, Ohio vs. Purdue  
Pharma, L.P., et al.  
Case No. 18-OP-45132

The County of Summit, Ohio,  
et al. v. Purdue Pharma, L.P.,  
et al.  
Case No. 18-OP-45090

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VOLUME I  
Videotaped Deposition of Kyle J. Wright  
Washington, D.C.  
February 28, 2019  
9:33 a.m.

Reported by: Bonnie L. Russo  
Job No. 3244302

1 THE WITNESS: Earlier today we  
2 talked about the distributor briefing. And  
3 inside that debriefing is the context or a  
4 repeat of the federal regulation. Those are  
5 the criteria for suspicious orders.

6 A suspicious order does not mean  
7 that -- there's nowhere in that definition of  
8 the -- under CFR of a suspicious order of  
9 saying it reached a bench -- arbitrary  
10 benchmark. That's the difference between  
11 excessive and suspicious.

12 BY MR. O'CONNOR:

13 Q. Okay. Is it fair to say that not  
14 all orders reported as suspicious are likely to  
15 be diverted?

16 MR. BENNETT: Objection.

17 THE WITNESS: I'm going to  
18 regurgitate your question to you.

19 That you're saying that a suspicious  
20 order does not necessarily mean that there's an  
21 illicit act.

22 MR. O'CONNOR: Okay.

23 MR. SHKOLNIK: Object to the form of  
24 the reforming of the question.

25 MR. O'CONNOR: Your -- your

1 objection was to his question?

2 MR. SHKOLNIK: Yes.

3 MR. O'CONNOR: All right.

4 BY MR. O'CONNOR:

5 Q. With respect to the suspicious  
6 orders that were reported to DEA, is it fair to  
7 say that there were a large number of false  
8 positives?

9 MR. BENNETT: Objection to form.

10 THE WITNESS: Because a suspicious,  
11 there could be a false positive. As to the  
12 quantity, I cannot stipulate.

13 BY MR. O'CONNOR:

14 Q. Isn't it true that there were a  
15 large number of suspicious orders that were  
16 reported to DEA that were not, in fact, likely  
17 to be diverted?

18 MR. BENNETT: Objection to the form.

19 THE WITNESS: I know --

20 BY MR. O'CONNOR:

21 Q. You can answer the question.

22 A. I know that there was a quantity.  
23 As to the extent of that quantity being large  
24 or not large, I don't know.

25 MR. O'CONNOR: All right. I'm going

1 mark Exhibit No. 29.

2 (Deposition Exhibit 29 was marked  
3 for identification.)

4 MR. O'CONNOR: Counsel, could the  
5 witness read his copy?

6 MR. BENNETT: Give me one second.

7 MR. MIGLIORI: You said 29, right?

8 MR. O'CONNOR: Yeah. Exhibit 29.

9 And for the record, it's US DEA 00007691.

10 MR. BENNETT: Don't answer anything  
11 yet.

12 BY MR. O'CONNOR:

13 Q. This is an e-mail exchange between  
14 you and Ruth Carter, correct?

15 MR. BENNETT: Counsel, hang on one  
16 second. We're having it reviewed by DEA  
17 counsel to see if there's any basis for any  
18 objections or any concerns with this document.

19 Can we hold off on the question for  
20 a moment, please.

21 MR. O'CONNOR: Sure.

22 MR. BENNETT: Thank you.

23 To the extent that this may refer to  
24 a specific investigation, the witness is not  
25 authorized to answer any questions about that

1 exchange?

2 A. I have recollection not of all the  
3 context, but yes.

4 Q. Okay. And do you see halfway down  
5 an e-mail from you dated January 31st, 2017, at  
6 5:32 p.m.?

7 A. Where do we see 5:32 p.m.?

8 Yes.

9 Q. Okay. And would you mind just  
10 reading that e-mail for the record.

11 MR. MIGLIORI: Objection.

12 THE WITNESS: "The WDO, on a monthly  
13 basis, downloads all SORS reports from the  
14 previous month, conducts the analysis of those  
15 SORS to eliminate large number of false  
16 positives, and then assigns out the  
17 miscellaneous assignments, those that have  
18 investigative potential. I previously passed  
19 this link to the GSs within the division to  
20 include newly assigned GS Kellum for their  
21 information."

22 BY MR. O'CONNOR:

23 Q. Okay. Any reason to think that  
24 e-mail -- it wasn't accurate at the time you  
25 wrote it?

1           A.     No.

2           Q.     Okay. Curiosity: What is the WDO?

3           A.     Washington district office.

4           Q.     Okay. Okay. When you said in this  
5 e-mail that there were a large number of false  
6 positives, that referred to orders that were  
7 reported to suspicious but were not likely to  
8 be diverted, correct?

9                   MR. BENNETT: Objection. Form of  
10 the question.

11                   THE WITNESS: The word "diverted"  
12 means an act that it -- my understanding of the  
13 word "diverted" means an act that has already  
14 been fulfilled. It's -- it's -- it's been  
15 taken out -- taken out of this closed system of  
16 distribution.

17                   MR. O'CONNOR: Okay.

18                   THE WITNESS: It doesn't  
19 necessarily -- source does not mean -- or  
20 suspicious order does not imply that. It  
21 implies that there are suspicions that need to  
22 be resolved. Anomalies exist.

23                   BY MR. O'CONNOR:

24           Q.     Okay. But being reported as  
25 suspicious does not imply necessarily that it

1 will be diverted, correct?

2 A. It does not imply that, no.

3 Q. Earlier today we talked a little bit  
4 about -- or about ARCOS data.

5 At one point you were the unit chief  
6 for targeting and analysis, correct?

7 A. Correct.

8 Q. And that unit is responsible for  
9 ARCOS data; is that fair?

10 A. It is responsible for the output  
11 side of -- and making the information available  
12 as needed for analytical studies,  
13 investigations. But it is not responsible for  
14 the input side.

15 Q. Okay. What do you mean by "the  
16 output side"?

17 A. Output the product has been  
18 finalized.

19 Q. Okay. Would that refer to reports  
20 that are generated from ARCOS or something  
21 else?

22 A. The information has gone through the  
23 input side, which does several checks to make  
24 sure that the data could be used and received  
25 properly; it's been reported properly.



1           Then once it goes through the form  
2           that they report, it then has to go -- an NDC  
3           number is what they report with no description.  
4           When it comes to me, it's the NDC and then the  
5           full description.

6           It is the registrant's DEA number.  
7           That's it. Mine is the cross-reference to the  
8           CSA, which gives me -- tells me that it's a  
9           pharmacy or -- or -- or whatever.

10          Once it comes to me, then the data  
11          is available for our use.

12          Q.     And what was the purpose of your use  
13          of the data?

14          A.     To support investigations and to  
15          determine if I saw any outliers, anomalies that  
16          I -- my group, my unit felt were egregious  
17          enough to warrant further investigation.

18          Q.     And how would your group going about  
19          -- go about determining whether they're  
20          egregious enough to warrant further  
21          investigation?

22          MR. BENNETT: Object. The witness  
23          is instructed that you may not talk about  
24          confidential law enforcement techniques that  
25          you used.